

REMARKS

In the outstanding Official Action, the Examiner:

(1) rejected claims 12-23, 33, and 34 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;

(2) rejected claim 35 under 35 USC 101 because it is drawn to non-statutory subject matter;

(3) stated the indicated Allowability of claim 29 is withdrawn in view of the newly discovered references to Cole et al./Corsi et al.;

(4) rejected claims 1-7, 9, 12-19, 23-28, and 31-37 under 35 USC 102(e) as being anticipated by Cole et al.;

(5) rejected claims 10, 11, 20 and 21 under 35 USC 103(a) as being unpatentable over Cole et al.;

(6) rejected claims 8, 18 and 38-44 under 35 USC 103(a) as being unpatentable over Cole et al. in view of Schlapfer et al.; and

(7) rejected claims 22, 29, 30 and 45 under 35 USC 103(a) as being unpatentable over Cole et al. in view of Corsi et al.

In response to Item 1 above, Applicants have now amended claim 12 at line 11 to replace "second" with -- first --. Accordingly, claims 12-23, 33 and 34 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

In response to Item 2 above, Applicants have now amended claim 35 to replace "said" with -- the --. Accordingly, claim 35 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

In response to Item 3 above, Applicants acknowledge that the Examiner has withdrawn the indication that claim 29 is allowable in view of Cole et al. and Corsi et al. Applicants respectfully traverse the rejection of claim 29 under 35 USC 103(a) as being unpatentable over Cole et al. in view of Corsi et al. as discussed hereinbelow in response to Item 7.

In response to Item 4 above, Applicants have now amended claim 1.

Amended claim 1 comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining washer comprising a structure having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, the structure having a top surface and a bottom surface, a portion of the bottom surface of the structure having a downwardly extending projection adapted to engage a recess formed in a top surface of a bone plate, and a downwardly extending projection adapted to seat in a recess formed in the top surface of the bone plate.

Applicants believe that Cole et al. disclose an eyelet anchor having a proximal end and a distal end, a cable bore adjacent the proximal end adapted to permit a cable to pass therethrough and to be crimped therein, and an eyelet hole portion adjacent the distal end for receiving an anchor screw. Applicants

believe that the eyelet anchor disclosed by Cole et al. has a level configuration such that both the bottom surface of the cable bore and the bottom surface of the eyelet hole engage a level surface. Applicants believe that Cole et al. do not disclose a downwardly extending projection adapted to seat in a recess formed in the top surface of a bone plate. Accordingly, claim 1 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 2, 12 and 24 each comprise a washer comprising a downwardly projecting extension connected to a body and having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone.

Applicants believe that Cole et al., as discussed hereinabove, has a level configuration without a downwardly projecting extension. Accordingly, claims 2, 12 and 24 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

Dependent claims 3-7 and 9, which depend either directly or ultimately from independent claim 2, dependent claims 13-19 and 23, which depend either directly or ultimately from independent claim 12, and dependent claims 25-28 and 31-36, which depend either directly or ultimately from claim 24, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 3-7, 9, 13-19, 23, 25-28 and 31-36 is respectfully requested.

In response to Item 5 above, dependent claims 10 and 11, which depend either directly or ultimately from independent claim 2, and dependent claims 20 and 21, which depend either directly or ultimately from independent claim 12, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 10, 11, 20 and 21 is respectfully requested.

In response to Item 6 above, Applicants have now amended claim 39 and Applicants respectfully traverse the rejection of claims 8, 18, and 38 under 35 USC

103(a) as being unpatentable over Cole et al. in view of Schlapfer et al.

Applicants believe that Schlapfer et al. disclose a bone-fixing device including a block for accommodating a pair of rigid, cylindrically-shaped longitudinal carriers, and a bone plate formed integral to the block, with the bone plate having at least one plate hole for accommodating a fastener. Applicants believe that Schlapfer et al. do not disclose or suggest a filament retaining washer comprising a body having a downwardly projecting extension having a screw hole extending therethrough for receiving therein the shank of a bone screw deployed in a bone, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate. Applicants further believe that Schlapfer et al. teach away from the washer of the present invention in that the bone plate is formed integral to the block rather than being adapted to engage a top surface of a bone plate.

Applicants believe that neither Schlapfer et al. nor Cole et al. as discussed hereinabove disclose a washer comprising a downwardly projecting extension connected to a body and having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone.

Dependent claims 8 and 18, which depend ultimately from independent claims 2 and 12, respectively, each comprise a washer comprising a downwardly projecting extension as discussed hereinabove and each are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 8 and 18 is respectfully requested.

Amended claim 39 comprises a filament retaining washer comprising a structure having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, the bottom surface of the structure having a downwardly extending projection adapted to engage a top surface of a bone plate having a recess formed therein. As discussed

hereinabove, Applicants believe that neither Schlapfer et al. nor Cole et al. disclose a washer comprising a structure having a screw hole, and the bottom surface of the structure having a downwardly extending projection adapted to engage a top surface of a bone plate having a recess formed therein. Accordingly, claim 39 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Dependent claims 40-44, which depend directly from claim 39, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 40-44 is respectfully requested.

In response to Item 7 above, Applicants respectfully traverse the rejection of claims 22, 29, 30 and 45 under 35 USC 103(a) as being unpatentable over Cole in view of Corsi et al.

Dependent claims 22, 29 and 30, which depend directly from independent claims 12, 2, and 12, respectively, are believed to be in condition for allowance for at least the above-identified reasons.



Accordingly, allowance of claims 22, 29 and 30 is respectfully requested.

Claims 45 comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining washer comprises a downwardly projecting extension connected to the body and having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, wherein the downwardly projecting extension is configured to engage a corresponding recess formed in a bone plate so as to prevent rotation of the filament retaining washer relative to the bone plate.

Applicants have carefully reviewed Corsi et al. and believe that Corsi et al. disclose a bone plate with a series of apertures therein configured to receive an insert attached to a wire or cable wrapped around the bone plate. Applicants believe that neither Cole et al. nor Corsi et al. disclose a filament retaining washer comprising a downwardly projecting extension connected to the body and having

a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone. Accordingly, claim 45 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

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